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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,909

05/30/2006

Tadashi Sao

DK-US040366

6843

22919 7590 01/30/2009  
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EXAMINER

ALI, MOHAMMAD M

ART UNIT

PAPER NUMBER

3744

MAIL DATE

DELIVERY MODE

01/30/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/580,909	<b>Applicant(s)</b> SAO ET AL.	
	<b>Examiner</b> MOHAMMAD M. ALI	<b>Art Unit</b> 3744	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 13 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: 1-15.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☒ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

/Mohammad M Ali/  
Primary Examiner, Art Unit 3744

Continuation of 11. does NOT place the application in condition for allowance because: The arguments of the Applicants are not persuasive. The Applicants argue that Tamura publication does not disclose the claimed arrangement of the heat insulating material (i.e., the heat insulating material covering the first branch nozzle part covers the Y-pipe shaped branch part up to the position of the first direction branch part side less than the tip part connected to the first branch pipe, therefore, the first branch pipe is not covered with the heat insulating material covering the first branch nozzle part.). The Examiner disagrees. Kazuyuki discloses the invention substantially as claimed as stated above except insulation. Tamura teaches the use of thermal insulation material 7 applied on the branch nozzle parts 8 in for a particular length portion as seen in Fig. 2 in refrigeration piping system for the purpose of insulating the pipes to protect thermal energy loss. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the branching pipe of Kazuyuki in view of Tamura such that insulation could be provided in order to insulate the branch nozzle pipe to protect heat energy loss. Further, Kazuki discloses the invention substantially as claimed as stated above except the spacing between the portion of the second branch nozzle part nearest the tip part of the first branch nozzle part is less than or equal to 40 mm. See Fig. 1, 2 and 4 and enclosed translation. The general concept of sizing or determining a spacing between the portion of the second branch nozzle part nearest the tip part of the first branch nozzle part to be less than or equal to 40 mm falls within the realm of common knowledge as obvious mechanical expedient and this is illustrated by Kazuyuki which teaches the side by side parallel connecting of pipes 28 and 29 from a common connector 23 where the pipes are fitted closely each other. In addition pipe 28 has a tip in its one end. Further to mention the space being 40 mm or less one ordinary skill of art has enough obvious scope to maintain the space 40mm or less. Therefore, Tamura publication does not disclose the claimed arrangement is not true. The Applicants further argue that the current record lacks any apparent reason, suggestion or expectation of success for combining the patents to create Applicants' unique arrangement of independent claim 1. The Examiner disagrees. Tamura teaches the use of thermal insulation material 7 applied on the branch nozzle parts 8 in for a particular length portion as seen in Fig. 2 in refrigeration piping system for the purpose of insulating the pipes (for an apparent reason) to protect thermal energy loss. Therefore, current record lacks any apparent reasons, suggestion or expectation of success for combining the patents is not true. Therefore, rejections are ok. Regarding the IDS to be considered, the Examiner notes the issue and will be communicated in the next action.

MA